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FOI/CRM 2393

Mr. Harold Weisberg
Route 12 - Old Receiver Road
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in response to your letter dated June 8, 1977.

We have referred your letter to the Office of the Deputy Attorney General, which maintains personnel records, as to your statement that you were virtually a Department employee; and to the Office of Legal Counsel, which coordinated the National Archives and Records Service's consultation with the Department as to the release of the June 10, 1966 Archives document to you.

We have previously made available to the public, with minor deletions, all 1,118 pages of Criminal Division documents pertaining to the Rosenberg case, and, with minor deletions, 1,698 pages pertaining to the Hiss case. In order to determine whether your name or that of your wife appears in any of the documents pertaining to Rosenberg or Hiss, it will be necessary to search each page of the 2,816 pages. We estimate that such a search will require 46 hours for which we will charge you \$368.00. That fee will be owed even if no records are located. If you wish us to undertake that search, please furnish us an advance deposit of \$92.00. Alternatively, we will make these documents available for your review in the reading room in Room 100, Federal Triangle Building, 315 5th Street, N.W., Washington, D.C., at your request. Simply telephone E. Ross Buckley, 739-3147. As a second alternative, we will furnish you copies of these documents at a cost of \$.10 per page. Your check, payable to the Treasury of the United States, should be directed to E. Ross Buckley, Attorney in Charge, FOI/Privacy Act Unit, Criminal Division, Department of Justice, Washington, D.C. 20530.

We construe your letter, also, to be a request for any records about yourself contained in the Criminal Division's file on the Pelley - Wayne - Silver Shirts matter. We estimate that a search of that file for records about you will require 28 hours, for which we will charge you \$224.00 (\$8.00 per hour). That fee will be owed even if no records are located. We will undertake the search upon receipt of an advance deposit in the amount of \$86.00.

CC: Records
THOMAS
FOI FILE UNIT
Hold

However, because of the volume of requests received by the Criminal Division, we have acquired a substantial backlog of requests, which like yours, will require the examination of records. In order to be fair to all requesters, we are completing requests in the order in which they were received in proper form (i.e., in the case of Freedom of Information requests, when the records requested have been reasonably described).

Your request is number 47 on our list of requests requiring the examination of records. We are presently processing number 14. Please be assured that we are exercising all possible diligence, given the volume of requests and personnel limitations, to process requests received by us as rapidly as possible. We will complete the processing of your requests as soon as we have completed those received prior to yours.

We will advise you when we have reached number 42 on our list. At that time it will be necessary for you to furnish the advance deposit if you desire the search.

If you feel that exigent or unique circumstances exist which warrant that your request ought to be taken out of order and processed ahead of other requests, please communicate the nature of the circumstances to us. We will, if the circumstances warrant, make every effort to expedite such a request. Your request bears file number FOI 2393. Correspondence concerning your request should be addressed to E. Ross Buckley, Attorney in Charge, FOI/Privacy Act Unit, Criminal Division, Department of Justice, Washington, D.C. 20530, and should indicate the above file number.

You are advised that if you deem our failure to comply with the applicable deadlines to be a denial of your request you now have a right to administrative appeal pursuant to the Code of Federal Regulations, Title 28, Section 16.5(d). The appeal should be in writing and addressed to the Deputy Attorney General (Attention: Office of Privacy and Information Appeals), Department of Justice, Washington, D.C. 20530.

Very truly yours,

Benjamin R. Civiletti
Assistant Attorney General
Criminal Division

by:
E. Ross Buckley
Attorney in Charge
Freedom of Information/Privacy Unit